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EXAMINER

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ART UNIT PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/620,617
Filing Date: July 21, 2000
Appellant(s): SMITH ET AL.

MAILED

JUN 05 2006

Technology Center 2600

Steven R. Ormiston
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/13/06 appealing from the Office action
mailed 9/2/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. However, it is noted that the co-pending application (09/620,957) is sent the Board for a decision.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|---------------|--------|
| 5,923,013 | Suzuki et al. | 7-1999 |
| 6,512,591 | Mesa et al. | 1-2003 |
| 6,052,202 | Shimuzu | 4-2000 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 5, 6, 8, 10-14 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki.

Regarding claim 1, Suzuki discloses **a printer, comprising:**

an I/O port (acceptance module 76 and col. 9, line 67 – col. 10, line 5) **capable of receiving a plurality of commands describing a document** (print job 10 in col. 10, lines 35-39 and JDF in fig. 4), **the commands including both a named sequence** (print job) **describing a form and an indicator** (JobSave 54 and RipFileSave 56 fields & col. 12, lines 10-27); and

means for responding to the indicator indicating permission is granted to print each instance of the form from the same video data (RipFileSave 56) **by processing and printing the named sequence according to a first printing algorithm** (printing the print job from the already-expanded print jobs) **and for responding to the indicator indicating each instance of the form is to be printed from a new video data** (JobSave 54) **by processing and printing the named sequence according to a second printing algorithm** (printing the print job from the newly rasterized print job).

Art Unit: 2625

Regarding claim 5, Suzuki discloses **the printer of claim 1, wherein the plurality of commands are received from a computer (remote system) externally connected to the I/O port** (114 in fig. 12 and col. 9, lines 67-68).

Regarding claim 6, Suzuki discloses **the printer of claim 5, wherein the indicator is generated by the computer** (col. 7, lines 21-23 & lines 44-53).

Regarding claim 8, Suzuki teaches **a method of processing and printing a named sequence describing a form in a printer, comprising:**

receiving the named sequence (print job 10 in col. 10, lines 35-39 and JDF in fig. 4) **and an associated parameter** (JobSave 54 and RipFileSave 56 fields & col. 12, lines 10-27);

responding to the parameter being set to a first value (RipFileSave 56), **indicating permission is granted to print each instance of the form from the same video data** (the already-expanded print jobs), **by converting** (ripping or rasterizing) **the named sequence into video data** (expanded) **and then using the video data to print each instance of the form; and**

responding to the parameter being set to a second value (JobSave 54), **indicating that each instance of the form is to be printed from new video data** (newly expanded/ripped print jobs), **by generating new video data** (rasterized) **to print each instance of the form.**

Regarding claim 10, Suzuki teaches **a method of processing and printing a named sequence describing a form in a printer, comprising:**

Art Unit: 2625

- a. **receiving the named sequence** (print job 10 in col. 10, lines 35-39 and JDF in fig. 4) **and an associated parameter** (JobSave 54 and RipFileSave 56 fields & col. 12, lines 10-27);
- b. **responding to the parameter being set to a first value** (RipFileSave 56), **indicating permission is granted to print each instance of the form from the same video data** (the already-expanded print jobs), **by converting** (ripping or rasterizing) **the named sequence into video data** (expanded) **and then using the video data to print each instance of the form; and**
- c. **responding to the parameter being set to a second value** (JobSave 54), **indicating each instance of the form is to be printed from new video data** (newly expanded/ripped print jobs), **by converting the named sequence into display list data** (S201) **and then using the display list data to print each instance of the form** (S202 in fig. 17).

Regarding claim 11, Suzuki teaches **the method of claim 8, wherein the named sequence and the associated parameter are received from a source externally connected to the printer** (fig. 1; col. 7, lines 21-23; & lines 44-53).

Regarding claim 12, Suzuki teaches **the method of claim 10, wherein the named sequence and the associated parameter are received from a source externally connected to the printer** (fig. 1; col. 7, lines 21-23; & lines 44-53).

Regarding claim 13, Suzuki teaches **the method of claim 12, wherein step (c) comprises the following substep:**

flagging the display list data as a candidate for caching (col. 12, lines 10-27).

Regarding claim 14, Suzuki discloses **a computer** (fig. 1; col. 7, lines 21-23; & lines 44-53), **comprising:**

means for generating a plurality of commands describing a document, the commands including a named sequence describing a form (print job 10 and JDF in fig. 4) **and at least one command indicating (RipFileSave 56) permission is granted to convert the named sequence once into video data** (the already-expanded print jobs) **and to then print each instance of the form from the video data** (printing the print job from the already-expanded print jobs) **or at least one command (JobSave 54) indicating new video data is to be generated to print each instance of the form** (printing the print job from the newly rasterized print job); **and**

means for transmitting the plurality of commands to a printer (JDF in fig. 4).

Regarding claim 18, Suzuki discloses **the computer of claim 14, wherein the printer is responsive to the plurality of commands by printing the document** (col. 11, lines 2-9).

Regarding claim 19, Suzuki discloses **the computer of claim 14, wherein the printer is connected to the computer over a network** (fig. 1).

Regarding claim 20, Suzuki discloses **the computer of claim 14, wherein the plurality of commands forms a print job** (figs. 2-4).

Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Shimuzu U.S. Patent No. 6,052,202.

Regarding claim 22, Suzuki discloses **a printer, comprising:**

an input/output port (acceptance module 76 and col. 9, line 67 – col. 10, line 5)
for receiving PDL print commands (fig. 1);

a control unit (system control module 74 in fig. 12) **operatively connected to**
the input/output port;

a print engine operatively connected to the control unit (printer 104); and
the control unit configured to respond to PDL print commands that include
a named sequence describing a form and an indicator (print job 10 and JDF in fig. 4
& col. 12, lines 10-27) **by (1) if the indicator indicates permission is granted to print**
each instance of the form from the same video data (RipFileSave 56), **processing**
the named sequence according to a first printing algorithm (printing the print job
from the already-expanded/rasterized print jobs), **(2) if the indicator indicates each**
instance of the form is to be printed from new video data (JobSave 54),
processing the named sequence according to a second printing algorithm
(printing the print job from the newly rasterized print job), **or (3) if the indicator**
indicates the form is a fixed form (print job hold option52 in fig. 4), **processing the**
named sequence according to the second algorithm (holding the print job in the
memory 80 thus the data is fixed in the memory in col. 10, lines 47-49). In cases of (2)
and (3), unrasterized/unprocessed print data is stored in the data memory 80, thus both
process the print job according to the second algorithm.

Suzuki, however, does not disclose the indicator indicating the form is a
background image and processing the named sequence according to a third algorithm.

Shimizu, the same field of endeavor of the printing art, discloses a printer that receives print data (in a PDL format) from a host wherein the print data includes an indicator indicating that a form is a background image (col. 14, lines 9-12). Moreover, when the background attribute is detected, a new printing process is performed (col. 14, lines 29-53 & col. 15, lines 17-28).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the print data including background attribute indicator of Shimizu with the printer of Suzuki.

The suggestion/motivation for doing so would have been to properly include image or foreground image data in the background data when a user requests a combination of foreground and background image.

Therefore, it would have been obvious to combine Shimizu with Suzuki to obtain the invention as specified in claim 22.

Regarding claims 23 and 24, arguments analogous to those presented for claim 22, are applicable. Also, see fig. 4 (HoldTiming 52, JobSave 54 and RipFileSave 56 fields).

Regarding claim 25, arguments analogous to those presented for claim 22, are applicable.

(10) Response to Argument

Response to Appeal Brief Argument No. 1

The Rejections regarding claims 1, 5-6, 8, 10-14, 18-20 and 23-35

With respect to Appellant's arguments, wherein on page 5, the Appellant states that "form" is specially defined in the Specification (refer to page 1, lines 17-20). The appellant further states that the "foreground images shown in boxes 206 and 208 [of fig. 2] are not forms because they appear only once in document 202. The argument is persuasive. However, the ground of rejections in view of Suzuki and Shimizu are maintained because the Examiner interpreted the "form" as it is defined in the Specification in rejecting the claims.

Response to Appeal Brief Argument No. 2

The Rejections regarding claims 1, 5-6, 8, 10-14, 18-20 and 23-35

With respect to Appellant's arguments, wherein on pages 6-7, the Appellant states that Suzuki fails to teach images which occur more than once in a document.

In reply, Appellant's assertions are incorrect. Referring to the Original Specification filed on 7/21/00, the applicant first defines the terms "form" and "named sequence". The Specification defines the "form" as an image that occurs more than once in a document and the phrase "named sequence" as a set of page description language (PDL) commands that describes the form (page 1 of the Specification). Further, to one of ordinary skill in the printing art at the time of the invention was made, the phrase "video data" is interpreted to be the data that has been rasterized using

Raster Image Processor (RIP) (refer to U.S. Patent No. 6,512,591 wherein in col. 1, lines 37-59). Now, referring to fig. 9 of the original drawings, a document 902 comprises two pages with the same image occurs on page 1 and page 2. The same concept is described in the invention of Suzuki. Referring to fig. 5 of Suzuki, for example, JDF describes a document comprising four pages (pages in order of 1, 3, 2 and 3). Although each page is selected from an original document, it is noted that these selected pages make up a new four-page document according to fig. 5. Further, since the image data of page 3 (col. 9, lines 33-39) occurs more than once in the four-page document, which is on the first page and the third page, the image data of page 3 is construed as the "form". The same concept is again applied to figs. 24 & 25. Based on the different parameters described/indicated in JDF in fig. 4, each page image data can be printed multiple times in a document.

Response to Appeal Brief Argument No. 3

The Rejections regarding claim 8

With respect to Appellant's arguments, wherein on pages 7-8, the Appellant states that Suzuki fails to teach the responding, converting and generating acts of claim 8.

In reply, Appellant's assertions are incorrect. The claim recites step (b) "*responding to the parameter being set to a first value, indicating **permission** is granted to print each instance of the form from the same video data, by converting the named sequence into video data and then using the video data to print each instance of the form*". According to the teaching of Suzuki, when a print job is sent to the printer of fig.

Art Unit: 2625

12, associated parameters, such as RipFileSave 56 and JobSave 54, indicate whether to save the print data in before-RIP state or after-RIP state after printing the print job (S109~S112 in fig. 16 & col. 11, lines 10-18). By saving the before-RIP/after-RIP print job after the printing the print job in S109, it grants a permission to print the print job again according to fig. 17 & col. 12, lines 10-27. Thus, when the parameter indicates RipFileSave 56 (construed as the first value in the claim), a permission is granted to print each instance of the form from the same video data (saved RipFile) according to S203 & S208 in fig. 17. Further, by converting (rasterizing), it now responds to the first value because the print job needs to be rasterized before saving the RipFile (rasterized print job). It is noted that the converting step can first be processed for responding to the parameter according to the claim wording.

Moreover, when the parameter indicates JobSave 54 (construed as the second value in the claim), it indicates that new video data (rasterized data) needs to be generated (S203 & S204 in fig. 17) in order to print each instance of the form since the print job saved in the printer is not rasterized data.

Therefore, the rejection of claim 8 is maintained.

Response to Appeal Brief Argument No. 4

The Rejections regarding claims 10-13

With respect to Appellant's arguments, wherein on pages 8-9, the Appellant states that Suzuki fails to teach the responding, converting and generating acts of claims 10-13.

In reply, Appellant's assertions are incorrect. The claim recites in step (b) *"responding to the parameter being set to a first value, indicating **permission** is granted to print each instance of the form from the same video data, by converting the named sequence into video data and then using the video data to print each instance of the form"*. According to the teaching of Suzuki, when a print job is sent to the printer of fig. 12, associated parameters, such as RipFileSave 56 and JobSave 54, indicate whether to save the print data in before-RIP state or after-RIP state after printing the print job (S109~S112 in fig. 16 & col. 11, lines 10-18). By saving the before-RIP/after-RIP print job after the printing the print job in S109, it grants a permission to print the print job again according to fig. 17 & col. 12, lines 10-27. Thus, when the parameter indicates RipFileSave 56 (construed as the first value in the claim), a permission is granted to print each instance of the form from the same video data (saved RipFile) according to S203 & S208 in fig. 17. Further, by converting (rasterizing), it now responds to the first value because the print job needs to be rasterized before saving the RipFile (rasterized print job). It is noted that the converting step can first be processed for responding to the parameter according to the claim wording.

Moreover, when the parameter includes JobSave 54 (construed as the second value in the claim), it indicates the print job in before-RIP state is saved. It is further responding by converting the named sequence into display list data so that the list of print jobs saved can be displayed for printing each instance of the form.

Therefore, the rejection of claim 10 is maintained.

Art Unit: 2625

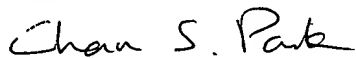
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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